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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte SIMON R. HAKIEL and PAUL JOHNSON

_____

Appeal 2009-007633
Application 10/667,581
Technology Center 2400

_____

Before JAY P. LUCAS, THU A. DANG, and JAMES R. HUGHES,
Administrative Patent Judges.

DANG, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 4, and 6-12. Claims 2, 3, 5, and 13 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

According to Appellants, the present invention relates to displaying events (Spec. 1, ¶ [0001]).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and reproduced below:

1.   A method of filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated when a threshold associated with a first parameter is met, the method comprising the steps of:

receiving a filter representing a set of the one or more computer environments;

in response to the receiving step, filtering the one or more events using the filter;

displaying the filtered one or more events; and

displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information; wherein

the filter is received from, and the one or more filtered
events are displayed on, a single display window.

C. REJECTION

The prior art relied upon by the Examiner in rejecting the claims on
appeal is:

Ditmer	US 6,473,407 B1	Oct. 29, 2002
Wilson	US 6,714,976	Mar. 30, 2004
		(filed on Aug.03, 1999)
Black	US 7,143,153 B1	Nov. 28, 2006
		(filed on Nov. 21, 2000)

Claims 1, 4, and 6-12 stand rejected under 35 U.S.C. § 103(a) as being
unpatentable over the combined teachings of Wilson, Ditmer and Black.

II. ISSUE

Has the Examiner erred in concluding that the combined teachings of
Wilson, Ditmer and Black would have suggested "receiving a filter
representing a set of the one or more computer environments" wherein "the
filter is received from, and the one or more filtered events are displayed on,
a single display window" (claim 1)? In particular, the issue turns on whether
Wilson in view of Ditmer would have suggested a filter representing a
computer environment, wherein the filter and a filtered event are displayed
on a single window.

III. FINDINGS OF FACT

Wilson

1.   Wilson discloses monitoring continuously a network environment in real time (Abstract).

2.   Wilson discloses that it is well-known to monitor system operation in order to detect the events which cause system failure, or performance issues, such as performance bottlenecks (col. 2, ll. 11-14), wherein the events which lead to the system failure and performance degradation can be identified (col. 2, ll. 25-27).

3.   Accordingly, Wilson discloses defining trigger events and associated data to be collected, and detecting an occurrence of one of the trigger events (col. 3, ll. 10-15).

4.   In an embodiment, machine executable code defines trigger events and associated data to be collected, wherein the machine executable code detects an occurrence of one of the trigger events (col. 3, ll. 20-25).

Ditmer

5.   Ditmer discloses a web-based fault and alarm management tool to monitor and analyze the performance of a voice and data network via a graphical user interface (Abstract).

6.   A graphic user interface (GUI) enables a user to define/display customized trouble-shooting procedures for specific alarms and define/display customized filters to specify which alarms may appear in the alarm presentation (col. 3, ll. 41-45; Fig. 4).

7.   In an embodiment, a desktop window presents the user with a present layout of a viewing area (col. 16, ll. 44-47), and an alarm

management object creates a blank user interface and starts a thread to handle communications with the event monitor server for events or alarms (col. 16, l. 67 to col. 17, l. 3), wherein a drill down view depicting each alarm down to the individual circuit is available via the GUI (col. 17, ll. 26-28).

IV. ANALYSIS

Appellants do not provide separate arguments with respect to claims 1, 4, and 6-12. Accordingly, we select claim 1 as being representative of the claims. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants contend that Wilson "is silent as to the filter representing a computer environment" (App. Br. 5). In particular, though Appellants admit that "the monitoring agents 30-40 shown in Fig. 1 [of Wilson] monitor performance of various components," Appellants argue that "[a] teaching that event data being filtered comes from different alleged computer environments is not comparable to a teaching that the filter itself represents a set of one or more computer environments" (App. Br. 6; emphasis omitted).

Appellants further contend that "[t]he Examiner's cited teachings of Ditmer refer to 'a single workstation,' which is <u>not</u> comparable to the single display window, as claimed" (*id.*) and that "the Examiner has not establish[ed] a prima facie case of obviousness as to the proposed modification" (App. Br. 8).

However, the Examiner finds that portions of Wilson "show and disclose a filtering process for collected event data by comparing the data with pre-defined rules, then continuing to process the filtered data only" (Ans. 4). Furthermore, the Examiner finds that Wilson also discloses

5

"defining the trigger events and collecting diagnostic information for performance monitoring of computer environments" and "an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level" (Ans. 5).

The Examiner further finds that Ditmer discloses "a method for alarm management from a single workstation, including display or print lists of active alarms and define or display customized alarms filters to specify which alarms will appear in the alarm presentation" (Ans. 6) and that "it would have been obvious … to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window" (*id.*).

To address whether the combined teachings would have suggested "receiving a filter representing a set of the one or more computer environments" wherein "the filter is received from, and the one or more filtered events are displayed on, a single display window" as required by claim 1, we begin our analysis by giving the claims their broadest reasonable interpretation. *See In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004). Moreover, we will not read limitations from the Specification into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

Though Appellants argue that Wilson differs from the claimed invention because Wilson filters "data … from different alleged computer environments" (App. Br. 6), the claimed language does not preclude such filtering of any *data* from different computer environments. In particular, claim 1 does not define what an "environment" is to mean, represent or include other than the *filter itself* is received "representing a set of the one or more computer environments." In fact, claim 1 does not even define

"representing." Accordingly, we broadly but reasonably interpret a filter "representing a set of the one or more computer environments" to mean any filter that is associated with a computer condition.

Similarly, though Appellants argue that "'a single workstation' ... is not comparable to the single display window" (App. Br. 6; emphasis omitted), claim 1 does not define what a "window" is to mean, represent or include. Accordingly, we give "window" its broadest reasonable interpretation as any viewing area on a computer screen.

Wilson discloses monitoring network environment by using machine executable codes, for example, to define trigger events and to detect an occurrence of the trigger events (FF 1, 3 and 4). By such monitoring, the events which cause system failure, performance bottlenecks and the like are determined (FF 2). We find no error with the Examiner's finding that Wilson at the least suggests "a filtering process" (Ans. 4) and "defining the trigger events and collecting diagnostic information for performance monitoring of computer environments" (Ans. 5).

We find determining (or filtering for) the cause for conditions such as system failure, performance bottlenecks and the like to comprise filtering for the cause that is associated with a computer condition. In view of our claim interpretation above, we find Wilson to at the least suggest a filter representing (associated with) a set of one or more computer environments, and thus find Wilson's detection of occurrences of trigger events to comprise filtering the events (associated with one or more computer environments such as system failure, performance bottlenecks and the like) using the filter.

Furthermore, Ditmer discloses monitoring and analyzing a network using a GUI to define and display customized trouble-shooting procedures

and to define and display customized filters to specify which alarms may appear in the alarm presentation (FF 5-6), wherein a desktop window presents the user with a present layout of a viewing area (FF 7). We find Ditmer's defined and displayed customized filters to comprise a filter received from the display window. We also find Ditmer's events that trigger the alarms to comprise filtered events and thus find Ditmer to also suggest receiving filtered events to be displayed on a viewing area on a computer screen.

Further, as shown in Fig. 4 of Ditmer, for example, the viewing area on the computer screen is a single window (FF 6). Accordingly, we agree with the Examiner's finding that Ditmer discloses "alarm management from a single workstation" (Ans. 6) and thus, in view of our claim interpretation above, find Ditmer would at least have suggested a filter "received from, and the one or more filtered events are displayed on, a single display window" as required in claim 1.

Though Appellants argue that "'a single workstation' … is not comparable to the single display window" (App. Br. 6; emphasis omitted), Appellants appear to be arguing that the filter *and* the filtered events must be displayed *simultaneously* on the *same* single display window. However, such argument would not be commensurate in scope with the language of claim 1. That is, claim 1 merely requires that the filter is received from a single display window and that one of the filtered events is displayed on a single window (not necessarily the same display window from which the filter is received).

We find no error in the Examiner's finding that Ditmer at the least suggests receiving a filter and displaying a filtered event "from a single

8

workstation" (Ans. 6) and thus a single viewing area. That is, Ditmer would at the least suggest that the customized filter are defined and displayed on a single viewing area, and the filtered event is also displayed on a single viewing area.

Though Appellants also contend that "the Examiner has not establish[ed] a prima facie case of obviousness as to the proposed modification" (App. Br. 8), we find that Wilson and Ditmer are directed to the same *general* field of endeavor as the invention on appeal, i.e., monitoring a computer network. The Supreme Court has determined that the conclusion of obviousness can be based on the interrelated teachings of multiple patents and the background knowledge possessed by a person having ordinary skill in the art and that an obviousness "analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR*, 550 U.S. 398, 418 (2007). *See also Dystar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1368 (Fed. Cir. 2006). As the Supreme Court has clearly stated, the "combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results," *KSR*, 550 U.S. at 401. This reasoning is applicable here.

We conclude that one of ordinary skill in the art would have found it obvious to combine Ditmer's teaching of displaying customized filtered events with Wilson's teaching of filtering events. Such combination is no more than a simple arrangement of old elements, with each performing the same function it had been known to perform, yielding no more than one

would expect from such an arrangement. *KSR*, 550 U.S. at 406. The skilled artisan would "be able to fit the teachings of multiple patents together like pieces of a puzzle" since the skilled artisan is "a person of ordinary creativity, not an automaton." *Id.* at 420-21.

As the Examiner concludes, "it would have been obvious ... to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window" (Ans. 6). We note that Appellants have not rebutted the Examiner's legal conclusion of obviousness by showing customizing Wilson's filtered events as taught by Ditmer was "uniquely challenging or difficult for one of ordinary skill in the art" or "represented an unobvious step over the prior art." *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418-19).

Accordingly, for the above reasons, we find no error in the Examiner's finding of claims 1, and claims 4 and 6-12 falling therewith as being unpatentable over the combined teachings of Wilson, Ditmer and Black.

V. CONCLUSION AND DECISION

Appellants have not shown that the Examiner erred in concluding that claims 1, 4 and 6-12 are unpatentable under 35 U.S.C. § 103(a). The Examiner's decision rejecting claims 1, 4, and 6-12 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED